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Tuberculosis Hospitals—Establishment of.¹ (Ch. 291, Act Apr. 24, 1916.)

SECTION 1. Section 319 of chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," as amended by chapter 171 of the laws of 1909, is hereby amended to read as follows:

SEC. 319. *Consents requisite to the establishment of hospitals or camps for the treatment of pulmonary tuberculosis.*—A hospital, camp, or other establishment for the treatment of patients suffering from the disease known as pulmonary tuberculosis, shall not be established in any town by any person, association, corporation or municipality, except when authorized as provided by this section. The person, association, corporation, or municipality proposing to establish such a hospital, camp, or other establishment shall file with the State commissioner of health a petition describing the character thereof, stating the county and town in which it is to be located and describing the site in such town for such proposed hospital, camp, or other establishment, and requesting the commissioner to fix a date and place for a hearing on such petition before the State commissioner of health and the local health officer, who shall constitute a board to approve or disapprove the establishment of such hospital, camp, or other establishment in accordance with such petition. The State commissioner of health shall fix a date and place for a hearing on such petition, which date shall be not less than 30 nor more than 40 days after the receipt thereof. A notice of such hearing specifying the date and place thereof and briefly describing the proposed site for such hospital, camp, or other establishment shall be mailed to the person, association, corporation, or municipality proposing to establish the same and to the health officer and each member of the board of health of the town in which it is proposed to establish such hospital, camp, or other establishment at least 20 days before the hearing, and also published twice in a local newspaper of the town, or if there is no such paper published therein, then in the newspapers of the county designated in pursuance of law to publish the session laws.

At the time and place fixed for such hearing the State commissioner of health, or his deputy, when designated by the commissioner, and the local health officer shall hear the petitioner and any person who desires to be heard in reference to the location of such hospital, camp, or other establishment, and they shall within 30 days after the hearing, if they are able to agree, approve or disapprove of the location thereof and shall notify the person, association, corporation, or municipality of their determination. The determination of the State commissioner of health, or his deputy, as the case may be, and the local health officer shall be final and conclusive; but if within 30 days after the hearing they are unable to agree, they shall within such 30 days notify the person, association, corporation, or municipality proposing to establish such hospital, camp, or other establishment that they are unable to agree. Within 10 days after the receipt of such notice, such person, association, corporation, or municipality may file in the office of the State commissioner of health a request that the petition be referred to a board consisting of the lieutenant governor, the speaker of the assembly, and the State commissioner of health. Such officers shall approve or disapprove of the proposed location of such hospital, camp, or other establishment after a hearing, of which notice shall be mailed to the person, association, corporation, or municipality proposing to establish the same and to the health officer and to each member of the local board of health of the town, or without a hearing, upon the evidence, papers, and documents filed with the State commissioner of health or that may be submitted to them, as the board shall determine. They shall make their determination within 30 days after the request for such submission has been filed in the office of the State commissioner of health and cause a copy thereof to be mailed to the person, association, corporation, or municipality proposing to establish such hospital, camp, or other

¹ See *People ex rel. Buckbee v. Biggs*, Public Health Reports, June 23, 1915, p. 1643.

establishment and to the health officer of the town in which it is proposed to establish the same. Such determination shall be final and conclusive.

Communicable Diseases—Control of, in Schools. (Reg. Commissioners of Health and Education, Apr. 25, 1916.)

1. Whenever a school-teacher, a school medical inspector, school nurse, or attendance officer discovers that any school child absent from school is affected with any disease presumably communicable, he or she shall report forthwith to the local health officer all known facts relating to the illness of the child, together with the name, age, and address of such child, and the name of the physician, if any, in attendance.

2. When no physician is in attendance, it shall be the duty of the local health officer to investigate the nature of the illness of every person within his jurisdiction reported to him as affected with a disease presumably communicable.

3. Whenever a case of communicable disease occurs in any school, it shall be the duty of the school medical inspector to immediately notify the health officer of such case and to ask his cooperation and assistance in controlling the disease in said school.

4. Whenever a case of communicable disease occurs in any school in his jurisdiction it shall be the duty of the health officer to render every assistance possible to the school medical inspector in the control of said disease.

5. Whenever a case of communicable disease occurs in any school and there is no school medical inspector directly responsible for the prevention and control of communicable disease in said school, it shall be the duty of the local health officer to take all steps necessary to prevent the spread of the disease.

6. Whenever a child in attendance at school is reported to the school medical inspector by the school nurse or teacher as being affected with a disease presumably communicable, it shall be the duty of the school medical inspector to examine the child promptly, and if such child is affected with a communicable disease the school medical inspector shall report immediately to the local health officer all the facts relating to the illness, together with the name and address of such child.

7. Whenever a case of communicable disease, in a family with a child or children of school age, is reported to the local health officer, it shall be the duty of the local health officer to notify the school medical inspector promptly of the name, age, and address of such child or children and the nature of the communicable disease, and also of the names and ages of all other children in the same household.

Schools—Medical Inspection of Pupils—Appointment of Physicians and Nurses. (Ch. 182, Act Apr. 11, 1916.)

SECTION 1. Section 571 of chapter 21 of the laws of 1909, entitled "An act relating to education, constituting chapter 16 of the consolidated laws," as added by chapter 627¹ of the laws of 1913, is hereby amended to read as follows:

SEC. 571. *Employment of medical inspectors*—The board of education in each city and union free school district, and the trustee or board of trustees of a common-school district, shall employ, at a compensation to be agreed upon by the parties, a competent physician as a medical inspector, to make inspections of pupils attending the public schools in the city or district. If appointed by a board of education of a city such physician shall reside within the city. The physicians so employed shall be legally qualified to practice medicine in this State, and shall have so practiced for a period of at least two years immediately prior to such employment. Any such board or trustees may employ one or more school nurses, who shall be registered trained nurses and authorized to practice as such. Such nurses when so employed shall aid the medical inspector of the district and shall perform such duties for the benefit of the public schools as may be prescribed by such inspector.

¹ Reprint No. 264 from the Public Health Reports, p. 312.